

### **REMARKS/ARGUMENTS**

Claims 1-26 are pending in the application. Claims 1, 11, 18 and 20 are independent.

Claims 9, 10, 17, 25 and 26 are found to contain allowable subject matter.

The claims are clarified herein to remove reference designators and to clarify the subject matter. No new matter is entered.

#### **Objections to the Claims**

Claims 1-9, 15, 17, 19, 23 and 25 are objected to.

With regard to claim 1, applicants fail to find the portion the Examiner is referring to as lacking the word "said." Line 6 does recite "said at least one data stream."

The remaining claim objections have been obviated by the clarifying amendments.

#### **35 U.S.C. §112 rejection**

Claim 7 has been clarified herein and is fully supported by the original disclosure, for example page 9, lines 17-21.

Claims 9, 17, and 25 have been amended to clarify the definition of the variables. The amendment is fully supported by the original disclosure, for example page 8, lines 9-17.

With regard to claims 10 and 26 applicants submit that the variables TXOP<sub>i</sub> and N<sub>i</sub> are defined in the claim and amendment is not needed. The claim recites:

$$\text{TXOP}_i = N_i L_i / R_i + O \text{ and } N_i = D_i \rho_i / L_i$$

The summation of the equation in claims 10 and 26 has been clarified and is based on page 9, lines 11-12 for example.

Claim 11 has been clarified obviating the antecedent issue.

Accordingly, withdrawal of the §112 rejections is respectfully requested.

35 U.S.C. §102(e) rejection

On page 3 of the Office Action it is alleged that claims 1, 2, 11 and 20 are anticipated by Sherman (US 2003/0161340). Claim 3 appears in the detailed portion of the rejection but is not listed in the summary.

Applicant respectfully disagrees that Sherman shows each and every feature of independent claim 1. For example, claim 1 recites:

“transmitting a medium access control (MAC) frame comprised of a set of parameters defining the characteristics of said at least one data stream; and calculating service and transmission times according to a schedule algorithm utilizing said parameters.” (emphasis added).

The Office Action points to sections 5, 29, 35 and 38 of Sherman for showing these features. However, Sherman only describes that the HC is responsible for granting permission to the STAs to use the wireless medium, allocating bandwidth and ensuring that QoS needs are met. The HC allocates transmission opportunities to the STAs, but there is no description of the claimed feature recited above.

Sherman does describe the RR frame. However, there is no suggestion in Sherman that an RR frame is comprised of a set of parameters defining the characteristics of at least one data stream; and calculating service and transmission times according to a schedule algorithm utilizing said parameters.

Thus, Sherman fails to teach or suggest a method as set forth in applicant's claim 1. Therefore, for at least the foregoing reasons, it is respectfully submitted that the rejection by Sherman is traversed and should be withdrawn.

Claims 2 and 3 depend from claim 1 and include at least the above distinguishing features discussed with regard to claim 1 and should likewise be allowable.

Independent claims 11 and 20 include features distinguishable from Sherman as discussed above with respect to claim 1. Applicants essentially repeat the above arguments pointing out why Sherman fails to teach or suggest all the features of claims 11 and 20.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-3, 11 and 20 be withdrawn.

35 U.S.C. §103(a) rejection

With regard to the claims rejected as obvious by utilizing Sherman as the primary reference in combination with other references, please consider the following:

Lazoff (US 2004/0151283) has a U.S. filing date of October 17, 2003, whereas the present invention was filed on October 10, 2003, thereby predating Lazoff. Lazoff claims the benefit of a provisional filed February 3, 2003, however the present application claims the benefit of two provisionals with filing dates of October 17, 2002 and April 15, 2003. Since the Office Action appears to be relying on the provisional date of Lazoff, applicants respectfully request that, to maintain this rejection, the provisional application of Lazoff be cited and sections of the provisional application be pointed to which support the alleged rejection.

Garg et al. (US 2006/0171362) is an improper reference since the present application, at the time of invention, and Garg et al. have common ownership, Koninklijke Philips Electronics N.V. and Garg et al. has a publication date of August 3, 2006.

Sugar et al. (US 2007/0263357) in paragraph 7 of the Office Action, appears to be an incorrect publication number.

With regard to the remaining cited combinations utilizing Sherman and Ho, and Sherman and Esteves, it is respectfully submitted that each combination fails to cure the deficiencies of Sherman as noted above with regard to claim 1. Specifically with regard to claims 4, 5, 12, 13, 18, 19 and 21, Ho and Esteves et al. fail to teach or suggest the features lacking in Sherman as pointed out above. Because each combination of references fails to teach or suggest all the claimed features, applicants respectfully request that the rejections be withdrawn.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are solicited. In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,

/Brian S. Myers/

Brian S. Myers

Registration No.: 46,947

For Larry Liberchuk,

Registration No. 40,352

Date: April 11, 2008

**Mail all correspondence to:**

Larry Liberchuk, Registration No. 40,352

US PHILIPS CORPORATION

P.O. Box 3001

Briarcliff Manor, NY 10510-8001

Phone: (914)333-9602

Fax: (914)332-0615